

REMARKS

Applicant thanks the Examiner for withdrawing the previous rejection of claims 1-28 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,847,771 to Cloutier et al.

In the outstanding Office action, claims 27-28 stand rejected under 35 U.S.C. § 112 para. 1 for allegedly failing to comply with the written description requirement. While Applicant respectfully disagrees with the rejection, Applicant has removed the term “physical” which prompted the rejection.

Claims 1-22 stand rejected under 35 U.S.C. § 101 as allegedly being drawn to non-statutory subject matter because the method steps allegedly failed to “positively tie to another statutory class.” Office action, pg. 3. While applicant respectfully disagrees with the rejection, Applicant has amended the above claims to obviate the rejection.

Claims 27-28 stand rejected under 35 U.S.C. § 101 as allegedly being drawn to non-statutory subject matter because the term “media” is defined in the specification to include a carrier signal. While applicant respectfully disagrees with the rejection, Applicant has amended portion of the specification to obviate the rejection.

No new matter has been added.

Claims 1-28 stand rejected under 35 U.S.C. § 103 as being unpatentable over Cloutier et al. (US Pat. 5,847,771) in view of Belknap et al. (US Pat. 5,586,264).

Applicant respectfully traverses the rejection.

Neither Cloutier nor Belknap, taken alone or in combination disclose or suggest all of the claimed limitations of the above claims. While Cloutier is discussed in greater detail below, the Examiner acknowledges at least that Cloutier “is silent in regards to

explicit [sic] control of information operative to invoke simultaneous display of the plurality of AV programs on the display device.” Office action, pg. 4. The Office action seemingly relies on Belknap to make up for this deficiency, asserting “Belknap teaches, data input, i.e., command, into MPEG that blanks/mute the video output without impacting the audio output, and vice-verses mutes the audio output without impacting the video, or both (i.e., col. 36, lines 1-30).” Office action, pg. 4. However, the alleged teaching of Belknap does not cure the deficiency of Cloutier. Even if the combination were proper, *arguendo*, the combination of Belknap and Cloutier is still “silent in regards to explicit [sic] control of information operative to invoke simultaneous display of the plurality of AV programs on the display device.”

Moreover, Belknap also does not appear to provide for simultaneous display of a plurality of AV programs as claimed. Belknap appears to simply replace a displayed “freeze frame” with a blank image via the blank/mute feature to “avoid burn-in of the video tube.” Belknap, col. 36, lns. 10-20.

The combination of Belknap with Cloutier does not produce the claimed invention set forth in independent claims 1, 12, 23, 25, 27 and 28 and does not render these claims unpatentable.

Further, as explained in Applicant’s previous responses, independent claims 1, 23 and 28 recite, *inter alia*, “augmenting said at least one non-composited digital transport stream with control information.” While the Examiner withdrew the previous rejection, the Examiner appears to continue to assert that this limitation is taught in Cloutier et al. in col. 3, lines 30-35 and col. 14, line 66 – col. 15, line 24. Applicant respectfully disagrees. However, Applicant believes it is sufficient to rely on the discussion of record in

maintaining Applicant's disagreement, which is incorporated herein to preserve the arguments.

Claims not specifically mentioned above are allowable due to their dependence on an allowed base claim.

CONCLUSION

No fees are due for this Amendment beyond the fees for the Petition for a three (3) Month Extension of Time. However, the Office is authorized to charge any additional fees or underpayments of fees (including fees for petitions for extensions of time) under 37 C.F.R. 1.16 and 1.17 to account number 502117. Any overpayments should be credited to the same account.

Applicant respectfully requests reconsideration of the present application, withdrawal of the rejections made in the last Office Action and the issuance of a Notice of Allowance. The Applicant's representative can be reached at the below telephone number if the Examiner has any questions.

Respectfully submitted,

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